REMARKS

Status of the Claims

Claim 1-5 (Currently Amended)

Claims 6-20 (Previously Added)

As a result of the foregoing Amendment, the following claims remain pending in the application: 1-20.

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 5,193,057) in view of George (U.S. Pat. 5,946,668) and further in view of Bern (U.S. Pat. 5,138,549). It is the Examiner's position that Longfield teaches a system for providing a loan to a taxpayer comprising historical refund data, year to date income information, year to date expense information, a processor adapted to process data, and a loan provided to the taxpayer. It is the Examiner's position George teaches a system for funding a home investment trust wherein the tax refund is estimated in order to fund the trust and is done over time to produce a historical record. George further teaches estimating an initial trust deposit and amortization to full term as well as setting loan criteria, determining state and federal tax refunds and calculating annual trust deposits as well as calculating the trust value and institutional fees, mortgage trust payout and payout to the homeowner, and determination of a cashout amount as well as estimating the appreciated home value. Finally, it is the Examiner's position that Bern teaches a trend analysis in the

establishment of tax vouchers and the tracking of a depositor's deposit patterns and producing a paper trail of all tax deposits historically as well as storage of tax deposit information to provide historical data on tax liabilities and habits.

The Examiner believes it would have been obvious to one of skill in the art at the time of the invention to combine Longfield in view of George and further in view of Bern to teach Applicant's invention. The motivation to combine Longfield and George is to teach the funding of a liability by a tax refund credit as taught by George in Col. 1, ll. 8-10. The motivation to combine Longfield in view of George and further in view of Bern is to teach a documentation system for tax deposits and accounts of a taxpayer which can be used as historical data for trends.

Applicant has amended claims 1-5 to indicate that an estimated tax refund amount is determined based on information available prior to the end of the current tax year as well as a historical tax refund amount. In view of Applicant's amended claims, Applicant respectfully traverses the rejections. Applicant respectfully submits that Longfield, George, and Bern references do not disclose the teachings suggested by the Examiner, and that when combined, they do not teach or even suggest using tax refund amounts from prior years to estimate a tax refund prior to the end of the current tax year.

The Examiner states that Longfield teaches use of year-to date-income information and year-to-date expense information that is processed to provide a loan to a taxpayer. As Applicant has argued previously, Longfield is directed only to preparation and filing of a tax return using complete data for the current tax year to

determine an anticipated refund amount. Income and expense information up to a date

prior to the end of the current tax year is not relevant to the Longfield invention because

it prepares and files a tax return for the current tax year as part of the refund anticipation

loan process. More importantly, Longfield does not "disclose a system for providing a

loan to a taxpayer comprising historical tax refund data" as suggested by the Examiner.

As with the incomplete income and expense information, the historical tax refund data is

irrelevant to the Longfield system for preparing and filing a tax return for the current tax

year as part of the refund anticipation loan process. The data used in the present

invention cannot be used to prepare and file a tax return for the current tax year as

taught by Longfield because it is incomplete and it includes tax refund data from prior

years. Longfield simply does not teach or suggest any use for income and expense

information that relates to a date prior to the end of the current tax year. Furthermore,

Longfield does not teach or suggest using a historical tax refund amount for any

purpose. Applicant respectfully submits that Longfield fails to teach or even suggest

important aspects of the present invention that are asserted to be disclosed in the

reference.

George teaches a system for funding a home investment trust wherein the tax

refund "... due to the deduction attributable to interest paid on the home mortgage" is

determined in order to fund a trust. Col. 1, ll. 48-60. The tax refund may be determined

more than once to adjust the amount used to fund the trust. However, contrary to the

assertion in the Office Action, there is no teaching or even a suggestion that the

calculated tax refund amounts are saved to "produce a historical record." Applicant

respectfully submits that George does not teach or even suggest important aspects of the present invention that are asserted to be disclosed in the reference.

The Examiner states that Bern teaches trend analysis in the establishment of tax vouchers and the tracking of a depositer's tax deposit patterns and producing a paper trail of tax deposits performed historically. The Examiner further states that Bern teaches the storage of tax deposit information that may be accessed to provide historical data on tax liabilities and taxpayer habits. Applicant respectfully submits however, that Bern teaches only a paper trail and tracking of patterns based on dates when deposits are made and therefore, the teachings of Bern when combined with Longfield and George, do not render Applicant's invention obvious.

Bern teaches automated recording of tax deposits (employment, corporate, and excise) as they are made through an automated attendant connected to a processing center. Col. 2, ll. 52-62. The purpose of the invention is to eliminate manual steps that are necessary to make tax deposits. Col. 2, ll. 16-21. The only taxpayer patterns or habits that are analyzed relate to the dates when the deposits are made. Specifically, Bern teaches "[t]he present invention also allows a depositor to make an early tax deposit and avoid penalties the government assesses on depositors for late payments. If a depositor is unsure of a due date, under the present system the depositor may make a tax deposit well ahead of the due date and be assured that the tax deposit will be timely. Alternatively, the invention ... allows the taxpayer to enter future payroll dates through the voice synthesizer. After a depositor has entered tax deposit information, the depositor may input payroll dates whose tax deposit due dates are in

the future. The payroll and tax deposit due dates are transferred to the processor and

stored in an automatic penalty protection storage medium, such as disk memory. Later,

when the depositor inputs additional tax deposit information, the additional information

is compared to the payroll and tax deposits due dates input through the automatic

penalty protection technique. If a match is found the payroll and future tax deposit due

dates are removed from the automatic penalty protection storage medium. On the tax

deposit due date, if the corresponding deposit has not been made, the processor

generates a reminder that the deposit is due. ...

"Additionally, the present invention alerts a depositor to variations in the

depositor's depositing habits. When a depositor consistently inputs tax deposit

information less than two banking days before the tax deposit due date, the present

invention records the depositor's habit. Later, if the depositor makes a deposit two or

more banking days before the due date, the present invention alerts the depositor to the

variation." Col. 4, l. 44 – Col. 5, l. 11.

Applicant respectfully submits that the teachings of Bern as they relate to

recording dates on which a taxpayer makes deposits and alerting the taxpayer when

deposits are due are not relevant to the field of the present invention. Bern teaches

tracking payment dates for the purpose of meeting tax payment deadlines. Bern does

not teach or even suggest analyzing deposit amounts or any other tax data amounts for

the purpose of estimating or determining an actual tax liability. In fact, the data

recorded by Bern cannot be used for such purposes. Rather than perform a trend

analysis, Bern simply teaches comparing actual deposit dates to due dates to determine

a taxpayer's preferred date for submitting tax deposits. Applicant respectfully submits that the Bern teachings, when combined with the teachings of Longfield and George, do not render the present invention obvious because they do not teach or even suggest recording tax refund amount data and more importantly, using tax refund amounts from prior tax years for the purpose of estimating a tax liability prior to the end of a current tax year.

Independent claims 1-5 have been amended to indicate that loans according to the present invention are made prior to the end of the current tax year based on information that is available prior to the end of the current tax year and tax refund amounts from prior tax years. Using this information, the taxpayer is able to obtain a loan prior to the current tax year and to use the money prior to completing a tax return for the current tax year. Applicant respectfully submits that none of the references cited by the Examiner teach or suggest granting of loans to taxpayers prior to the end of the current tax year based on year-to-date information and prior refunds, and therefore, the claims are allowable as written.

Respectfully submitted,

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